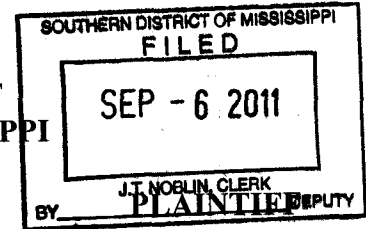


IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI



MEGAN K. CLANCY

VS.

CAUSE NO. 1:11cv336H80-RHW

GREYHOUND BUS LINES, INC.

DEFENDANT

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NOTICE OF REMOVAL

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PLEASE TAKE NOTICE that Defendant, Greyhound Bus Lines, Inc., hereby removes the above entitled action bearing Cause No. 2011-00161(2) and pending in the Circuit Court of Jackson County, Mississippi, to the United States District Court for the Southern District of Mississippi, Gulfport Division. As grounds for removal, Defendant would show unto the Court the following:

**CIVIL ACTION REMOVED**

On July 6, 2011, Plaintiff filed this action styled "*Megan K. Clancy v. Greyhound Bus Lines, Inc.*", in the Circuit Court of Jackson County, Mississippi, bearing Cause No. 2011-00161(2). Defendant is removing this case to the United States District Court for the Southern District of Mississippi, Gulfport Division, pursuant to 28 U.S.C. § 1332(a), which provides that "the district courts shall have original jurisdiction of all civil actions whether the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between - (1) citizens of different states." Pursuant to 28 U.S.C. § 1441(a), this Court has original jurisdiction over this matter as the amount in controversy is satisfied and complete diversity exists among the parties. As required by 28 U.S.C. § 1446(a), a complete copy of all process and pleadings served on removing Defendant in the state court action are attached hereto as Exhibit A.

**AMOUNT IN CONTROVERSY IS SATISFIED**

In his Complaint, Plaintiff seeks damages for personal injuries allegedly sustained in an automobile accident on August 2, 2008. Complaint, ¶ V. Plaintiff alleges that she has suffered “personal injuries, pain and suffering, medical bills, anxiety and emotional distress.” Complaint, ¶ V. Additionally, documentation received from ACS Recovery Services, a representative of Plaintiff’s Health Insurer, establishes that Plaintiff has incurred \$130,668.37 in medical expenses as a result of the alleged incident. Exhibit B.

It is facially apparent from the Complaint that the Plaintiff asserts claims which, if proven, would exceed \$75,000, exclusive of interest and costs. Plaintiff has incurred medical expenses alone which exceed \$75,000. Additionally, as recognized by federal courts sitting in Mississippi, “Mississippi juries routinely award damages for pain and suffering and/or mental or emotional damages in excess of \$75,000.” *Holmes v. Citifinancial Mortgage Co., Ins.*, 436 F. Supp. 2d 829, 832 (N.D. Miss. 2006) (denying motion to remand); *See also Colony Ins. Co. v. Ropers of Hattiesburg, LLC*, 2011 WL 1226095 at \*3 (S.D. Miss. 2011) (citing *Holmes*, 436 F. Supp. at 832).

**COMPLETE DIVERSITY EXISTS**

As set forth in the Complaint, Plaintiff, Megan K. Clancy is an adult resident citizen of Jackson County, Mississippi. Complaint, ¶ I. Defendant is a foreign corporation with its principal place of business in Texas. Complaint, ¶ II.

**ORIGINAL JURISDICTION ESTABLISHED**

Having satisfied the amount in controversy and the requirement that complete diversity must exist among the parties, this Court has original jurisdiction of this matter and removal to this Court is appropriate.

**TIMELINESS OF REMOVAL**

The Complaint in this matter filed on July 6, 2011. Defendant was served on August 15, 2011. Accordingly, this Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b) as it is being filed within thirty days after receipt by Defendant.

**NOTICE TO THE STATE COURT**

As required by 28 U.S.C. § 1446(d), Defendant will immediately file with the Circuit Court of Jackson County, Mississippi, a true and correct copy of this Notice.

WHEREFORE, PREMISES CONSIDERED, Greyhound Lines, Inc., respectfully requests that this Court will receive this Notice of Removal, place it upon the docket of this Court, and that the Circuit Court of Jackson County, Mississippi, will proceed no further in this action.

RESPECTFULLY SUBMITTED, this the 31st day of August, 2011.

**GREYHOUND BUS LINES, INC.**

By: 

ROBERT P. THOMPSON, (MSB#: 8188)  
PAUL P. BLAKE, (MSB#: 102478)  
Attorneys for the Defendant

OF COUNSEL:

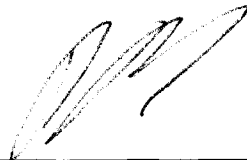
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(601) 856-7200 Telephone  
(601) 856-7626 Facsimile

**CERTIFICATE OF SERVICE**

I, PAUL P. BLAKE, do hereby certify that I have this day caused to be sent by facsimile and mailed, via United States mail, postage fully prepaid, a true and correct copy of the foregoing to:

W. Harvey Barton  
Brandon C. Jones  
Barton Law Firm, PLLC  
3007 Magnolia Street  
Pascagoula, MS 39567  
Telephone: (228) 769-2070

THIS, the 31st day of August, 2011.

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PAUL P. BLAKE